IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1674 OF 2005

Manohar Dhaklu Chavan .. Petitioner

versus

Premier Automobiles Ltd & ors . Respondents

...

Mr. Vijayukumar withM.D.Malkhare for Petitioner

Mr T.Shetty with Mr S.Shetty for Respondents

CORAM : D.G. KARNIK, J

DATED : 11th July 2005.

P.C.

1. Heard learned counsel for both sides. The petitioner was employed at Walchandnagar Industries Ltd and his services were transferred to Premier Automobiles Ltd a sister concern which is the respondent no.1. By a letter dated 8th November, 1988 the petitioner was offered certain terms of

employment as more beneficial to him. The petitioner has signed his acceptance on the said letter. As such, the petitioner's terms and conditions stands governed by letter dated 8th November, 1988.

2. The petitioner filed an application under section 33-C (2) of the Industrial Disputes Act alleging that he was entitled to certain wages and the amounts have not been paid to him. The Labour Court has rejected the claim and held that the petitioner was not entitled to the claim.

3. It is the settled position in law that an application under section 33-C (2) is in the nature of execution proceedings. The claim is disputed. The claim has not been adjudicated by any court previously. In the circumstances, the petitioner is not entitled to claim the amount in an application under section 33-C (2). Hence, petition rejected.

D.G.KARNIK, J